



September 13, 2019

**VIA E-MAIL**

Mr. Phil Rogers

NBC 5

Email: [Phil.Rogers@nbcuni.com](mailto:Phil.Rogers@nbcuni.com)

RE: 19-FOIA-252 Near Miss Info

Dear Mr. Rogers:

Metra's FOIA Department ("FOIA Department") is responding to your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA").

**I. Background**

On August 28, 2019, the FOIA Department received your request for copies of all near-miss reports filed by engineers or other crew members from Metra for the last five years ("**Request**").

On September 11, 2019, the FOIA Department contacted you via email informing you that it has been determined that compliance with your Request, as written, would be unduly burdensome. The FOIA Department stated that in order to fulfill your request as written, Metra's various departments would need to undertake several hours to not only further locate, but also review records in their possession over the span of 5 years that may or may not be responsive to your Request. The FOIA Department further informed you that records for one year alone are in excess of 600 pages. The FOIA Department went on to state, your Request, as written, will cause excessive disruption of Metra's day-to-day operations, including the FOIA Department's ability to fulfill other requests. Accordingly, the FOIA Department requested that you narrow the scope of your Request to manageable proportions and respond to the email and let us know if you are agreeable to narrowing the scope of your request as noted. You did not respond to the FOIA Department's email in this regard.

On September 12, 2019, after conferring with Metra's Media Relations liaison Mr. Michael Gillis, and upon his suggestion based on a conversation he had with you, the FOIA Department contacted you via email to ask if you would be agreeable to accepting a spreadsheet showing a summary of three (3) years' worth of near-miss reports on Metra operated lines. ("**Narrowed Request**"). You replied to that email and stated you agreed to accept the above-referenced spreadsheet. Your Request is granted in part and denied in part.

**II. Responsive Document**

In response to your Narrowed Request, the FOIA Department is providing you with an excel spreadsheet showing a summary of three years' worth of near-miss reports on Metra operated lines.

### **III. Partial Denial**

The employee identification numbers, personal telephone numbers, and personal license plate numbers mentioned in the Responsive Document have been removed because they are exempt from disclosure under Section 7(1)(b) of FOIA, which exempts "private information." "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, personal email addresses, and personal license plate numbers. 5 ILCS 140/2(c-5).

### **IV. Right of Review**

You have the right to have the denial of your Request reviewed by the Public Access Counselor ("PAC") of the Illinois Attorney General's Office. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

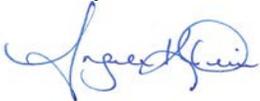
Public Access Counselor  
Office of the Attorney General  
500 South 2nd Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us).

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this denial letter when filing a Request for Review with the PAC.

You also have the right to seek judicial review of your denial by filing a lawsuit in the circuit court. 5 ILCS 140/11.

If the FOIA Department can be of further assistance to you, please do not hesitate to contact us.

Sincerely,



Angela K. Ollie  
Freedom of Information Officer  
[FOIA@metrarr.com](mailto:FOIA@metrarr.com)  
FOIA Hotline #312-663-3642